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7 Attorneys for Defendants

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 DONALD R. HINTON, SR., an individual;  
11 DAVID HINTON, an individual,

12 Plaintiffs,

13 vs.

14 LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT, an independent legal agency  
of Clark County and the City of Las Vegas;  
15 DOUGLAS C. GILLESPIE, in his official  
capacity as the Sheriff for Clark County; LAS  
16 VEGAS METROPOLITAN POLICE  
DEPARTMENT OFFICER LUIS E. TURCAZ  
17 (#5467), in his official and personal capacity;  
LAS VEGAS METROPOLITAN POLICE  
18 DEPARTMENT OFFICER M. (#8572), in  
his/her official and personal capacity; LAS  
19 VEGAS METROPOLITAN POLICE  
DEPARTMENT OFFICER LISA M. POPE  
20 (#4000), in her official and personal capacity;  
LAS VEGAS METROPOLITAN POLICE  
21 DEPARTMENT OFFICER JON S. DAVID  
22 (#7594), in his official and personal capacity;  
LAS VEGAS METROPOLITAN POLICE  
23 DEPARTMENT OFFICER RODNEY E.  
MITCHELL (#6533), in his official and  
personal capacity; LAS VEGAS  
24 METROPOLITAN POLICE DEPARTMENT  
OFFICER EDDIE CARROLL (#4050) in

Case No.: 2:14-cv-00842-RFB-GWF

**STIPULATION AND ORDER FOR  
PROTECTIVE ORDER REGARDING  
CONFIDENTIALITY**

KAEMPFER CROWELL RENSHAW  
GRONAUER & FIORENTINO  
8345 West Sunset Road  
Suite 250  
Las Vegas, Nevada 89113

1 his/her official and personal capacity; and  
 2 DOES 1 through 30,

3 Defendants.

4 Discovery in this action will possibly require various Officers/Employees of Las Vegas  
 5 Metropolitan Police Department ("LVMPD"), specifically at this time, Officer Luis E. Turcaz,  
 6 Employee Lisa Pope, Officer Jon S. David, Officer Rodney E. Mitchell, Officer Eddie Carroll  
 7 and Officer Phillip Mortimer (hereinafter, collectively, "LVMPD Officers") to provide the  
 8 parties to this lawsuit with information and documents that contain information that is  
 9 confidential, proprietary and sensitive as discussed in Segura v. Reno, 116 F.R.D. 42 (D.Nev.  
 10 1987), and further may be subject to privilege.

11 Although this information may be subject to conditional disclosure, LVMPD Officers are  
 12 entitled to the protections described below.

13 1. As used in this Protective Order, the term "Confidential Information" means any  
 14 documents, testimony, or other information that is produced from the date of this agreement  
 15 forward and has been designated as "CONFIDENTIAL".

16 2. The term "disclosure" shall include the dissemination, communication,  
 17 publication and reproduction of any confidential material or the specific contents of the  
 18 information contained therein, or the communication of any estimate or other information which  
 19 facilitates the discovery of confidential information. Should any pleadings with the Court  
 20 require reference or attachment of any confidential information, the attachment shall be filed  
 21 under seal pursuant to this Stipulation and Order, as further defined in Paragraph 11 below.

1           3.       As used in this Protective Order, the term “qualified persons” means (i) counsel of  
2 record for the parties to this litigation, including office associates, paralegals, and stenographic  
3 and clerical employees to whom disclosure is reasonably necessary; (ii) experts retained for the  
4 purpose of this litigation to whom disclosure is reasonably necessary and who reviewed and  
5 signed a copy of this Stipulation; (iii) parties to this action; and (iv) court personnel, including  
6 stenographic reporters engaged in such proceedings as are necessarily incident to this litigation.

7           4.       Confidential information shall be and remain confidential, and, except as allowed  
8 by this Protective Order, may not be disclosed or communicated, nor used for any purpose other  
9 than this litigation, including any appeals.

10          5.       Any and all documents containing confidential information must be retained by  
11 counsel and not be disclosed or made available to any person other than a qualified person who  
12 has read and acknowledged the terms of this Protective Order. Similarly, the confidential  
13 information contained within those documents may not be disclosed to any person other than a  
14 qualified person. To the extent reasonably necessary, copies of confidential documents may be  
15 provided to experts retained for the purpose of this litigation to whom disclosure is reasonably  
16 necessary and who have signed this Stipulation and Protective Order. Nothing in this Protective  
17 Order shall in any way affect the admissibility or use at trial of any of the documents produced  
18 under this Protective Order.

19          6.       Any person who is in possession of confidential information, or to whom  
20 confidential information is disclosed, is responsible for ensuring that such confidential  
21 information is not inadvertently disclosed by him or her. Failure to take all reasonable  
22 precautions to ensure against such inadvertent disclosure will be viewed by the Court as willful  
23 disobedience of this Protective Order, and will be punished accordingly.  
24

1           7. Counsel receiving confidential information may not disclose that confidential  
2 information to any expert without first furnishing to that expert a copy of this Stipulation and  
3 Protective Order and obtaining a signed copy of this Stipulation and Protective Order from that  
4 expert.

5           8. Any person who executed a copy of this Stipulation and Protective Order submits  
6 to the jurisdiction of this Court for purposes of enforcement of this Protective Order, either prior  
7 to or following trial of this action. Jurisdiction of this action is to be retained by this Court after  
8 final determination for purposes of enabling any party or person affected by this Protective Order  
9 to apply to the Court for such direction or further decree as may be appropriate for the  
10 construction or enforcement of this Protective Order, or for such additional relief as may become  
11 appropriate.

12           9. If a party objects to the designation by LVMPD Officers of documents or items,  
13 pleadings, or transcripts of testimony as “CONFIDENTIAL” the party shall give notice of the  
14 same to Counsel for LVMPD Officers, in writing of the documents, pleadings, and/or testimony  
15 at issue and the reason for the objection. LVMPD Officers shall thereafter have twenty (20)  
16 business days within which to apply to the Court for appropriate protection of the documents,  
17 pleadings, and/or testimony pursuant to the Federal Rules of Civil Procedure. If LVMPD  
18 Officers do not make application within twenty (20) business days after receipt of the written  
19 objection (or within the stipulated time period if stipulated to be longer or shorter than twenty  
20 (20) days), then the documents, pleading, and/or testimony at issue shall no longer be deemed  
21 “CONFIDENTIAL”. However, until expiration of the twenty (20) day time period (or longer or  
22 shorter if stipulated) or until the Court enters an order changing the designation, whichever is  
23 later, the information shall continue to be given the “CONFIDENTIAL” treatment initially  
24 assigned to it and provided for in this order.

1           10. If any individual makes copies of any confidential information allowed by this  
2 agreement, said individual must ensure that the copies are also marked "Confidential".

3           11. Any person who wishes to file with this Court any document, paper, or other  
4 tangible item disclosing confidential material may disclose only those confidential materials that  
5 are necessary to support the pleadings, motion or other paper to which the confidential  
6 document, paper, or other tangible item is attached and must do so under seal, permissible  
7 pursuant to this Stipulation and Order.

8           12. Nothing in this Protective Order precludes the deposition examination of any  
9 person regarding confidential information of which they have knowledge. In any such  
10 deposition, third-party may designate specific testimony deemed to be "CONFIDENTIAL" by  
11 advising the court reporter of such fact prior to the conclusion of the deposition. The reporter  
12 shall mark the fact of the transcript "CONTAINS CONFIDENTIAL INFORMATION." All  
13 transcripts of said deposition containing confidential information will be treated in accordance  
14 with this Protective Order, wherein if any portion of the deposition transcript containing  
15 confidential material is to be filed with the Court, it should be filed with the Court under seal as  
16 described in paragraph 11.

17           13. Only qualified persons may attend deposition examinations in this case unless  
18 counsel for all parties agrees otherwise.

19           14. The parties taking any deposition shall retain a court reporter who agrees that  
20 before transcribing any such testimony, that all testimony containing confidential information is  
21 and shall remain confidential and shall not be disclosed except as provided in this Protective  
22 Order and that copies of any transcript, reporter's notes, or any other transcription records of any  
23 such testimony will be retained in absolute confidentiality and safekeeping by such shorthand  
24 reporter or delivered to attorneys of record or filed with the Court under seal.

1           15. If, during trial, any party intends to introduce into evidence any information  
 2 designated as “CONFIDENTIAL”, the party shall give timely notice of that intention to the  
 3 Court and the opposing counsel, and the Court may take such steps as it shall deem reasonably  
 4 necessary to preserve the confidentiality of such information, without violating any statute or  
 5 other rule of the Court.

6           16. Nothing in this Protective Order requires a party to disclose confidential  
 7 information that the party also contends is protected from disclosure based upon a privilege  
 8 (including but not limited to HIPAA rights of others) or for some reason other than the mere  
 9 confidential or proprietary nature of the document or information (including but not limited to  
 10 non-discoverable trade secrets).

11           17. Upon the final determination of this action, counsel and all qualified persons shall  
 12 return any confidential information to counsel for LVMPD Officers that produced the  
 13 information, upon their request, together with any copies of confidential information.  
 14 Transcripts containing confidential information also must be returned to LVMPD Officers’  
 15 counsel. All pleadings with confidential information attached or referenced may be maintained  
 16 in the appropriate counsel’s files, and the appropriate counsel may maintain or destroy all  
 17 documents with work product thereupon, provided that such counsel and employees of such  
 18 counsel, shall not disclose any such material contained in such documents to any person or  
 19 entity. All notes or any other memorialization of the information contained in the confidential  
 20 material produced that are in the possession of a party may be retained by that party’s counsel,  
 21 but shall be placed in a sealed envelope or other container on the face of which shall be typed or  
 22 printed:

23       ///

24       ///

**CONFIDENTIAL**

THE INFORMATION CONTAINED HEREIN IS  
 CONFIDENTIAL AND SUBJECT TO A PROTECTIVE  
 ORDER ISSUED BY THE UNITED STATES DISTRICT  
 COURT, DISTRICT OF NEVADA. ANYONE NOT  
 PERMITTED TO REVIEW THIS INFORMATION AS SET  
 FORTH IN THAT PROTECTIVE ORDER IS IN  
 VIOLATION OF THAT ORDER, AND MAY HAVE  
 SANCTIONS IMPOSED AGAINST HIM OR HER AS THE  
 COURT MAY DETERMINE AND ALLOWABLE UNDER  
 LAW AND MAY ALSO BE SUBJECT TO CONTEMPT OF  
 COURT PROCEEDINGS.

18. Anyone found to be in violation of this Order may have sanctions imposed against him or her as the Court may determine and allowable under law and may also be subject to contempt of court proceedings.

DATED this 19<sup>th</sup> day of February, 2015.

KAEMPFER CROWELL


GALLIAN WELKER & BECKSTROM, L.C.

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**Attorneys for Defendants**

By: /s/ Travis Barrick  
 Travis Barrick, Esq.  
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**Attorney for Plaintiffs**

**IT IS SO ORDERED.**

DATED this 20th day of February, 2015.

  
 GEORGE FOLEY, JR.  
 United States Magistrate Judge